HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 20853 of 2007

Dated 7th December, 2007

Between

G.Lingam Goud

…Petitioner

and

The District Collector, Mahaboobnagar District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 20853 of 2007

ORDER:

In this Writ Petition, the petitioner has questioned the validity of the order dated 30-7-2007 in Proceedings No.H1/10019/2006 passed by the first respondent.

The petitioner appears to have been granted arms licence bearing No.11/2003, dated 31-12-2003 issued by first respondent-Collector & District Magistrate, Mahaboobnagar District and the same was valid up to 31-12-2006. When the petitioner made an application for renewal of the said arms licence, it appears, a report was called for from the Superintendent of Police, Mahaboobnagar. The petitioner has filed a copy of the report sent by the Circle Inspector of Police, Mahaboobnagar Rural to the Superintendent of Police. In the said

report, it is stated that the enquiry reveals that the petitioner is the native of Bandameedipally village of Mahabubnagar Mandal and he is having threat to his life from his business rivalries and recommended for renewal of arms licence. But, however, impugned order is passed rejecting the application of the petitioner for renewal of the arms licence on the ground that the petitioner was complainant in Cr.No.10/97, which was registered for the offence under Sections 307, 452, 427 read with 109 IPC, on the file of the Mahabubnagar Rural Police Station.

The reason assigned in the impugned order that the petitioner was complainant in Crime No.10/97 cannot be construed as a valid reason to reject the application of the petitioner for renewal of arms licence. However, in the report which is stated to have been sent by the Circle Inspector of Police, Mahaboobnagar Rural Police Station to the Superintendent of Police, it is stated that the petitioner is having threat to his personal life and liberty from his business rivalries. Further, though the matter was adjourned finally for filing counter affidavit, but however, no counter affidavit is filed on behalf of the respondents. In that view of the matter, I deem it appropriate to remit the matter to the first respondent-licencing authority for reconsideration of the application of the petitioner for renewal of his arms licence.

Accordingly, the order dated 30-7-2007 in Proceedings No.H1/10019/2006 passed by the first respondent is set aside and the matter is remitted back to the first respondent for reconsideration. The first respondent-Collector & District Magistrate, Mahaboobnagar District shall reconsider the matter afresh and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this

order.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 7-12-2007.
Msnr.